

FILED

OCT 01 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GUILLERMO MENDEZ-MENDEZ,

Defendant - Appellant.

No. 06-30252

D.C. No. CR-04-00094-05-EJL

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted September 24, 2007^{**}

Before: CANBY, TASHIMA and RAWLINSON, Circuit Court Judges.

Guillermo Mendez-Mendez appeals from the 140-month sentence imposed following his guilty-plea conviction for conspiracy to distribute methamphetamine and cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. We have jurisdiction

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

pursuant to 28 U.S.C. § 1291, and we affirm.

Appellant contends that the district court improperly considered the Sentencing Guidelines range to be the presumptive sentence. This contention is belied by the record.

Appellant also contends that the district court failed to adequately consider the nature of his criminal history under 18 U.S.C. § 3553(a). We conclude that the district court properly considered his criminal history and the § 3553(a) factors. *See United States v. Knows His Gun*, 438 F.3d 913, 918-19 (9th Cir. 2006), *cert. denied*.

AFFIRMED.